

TEMKIN WIELGA & HARDT LLP

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July 17, 2013

VIA EMAIL & REGULAR MAIL

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Email: r8foia@epa.gov

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the United States Environmental Protection Agency's ("EPA") FOIA implementing regulations, 40 C.F.R. Part 2, and any other applicable federal statutes, rules and regulations, Temkin Wielga & Hardt, LLP ("TWH"), hereby requests the following records^{1,2} from EPA related to EPA's investigation of environmental conditions at the Smurfit-Stone Mill located at 14377 Pulp Mill Road, Missoula County, Montana (the "Site"):

All responses to EPA Requests for Information pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), relating to the Site, including but not limited to any response, respectively, from BNSF Railway Company, Rock-Tenn Company, International Paper Company, or any other entity or person, except any response from Missoula County, Montana.

¹ "Records" as used herein is employed in its broadest sense and includes, but is not limited to, the original, each draft, and any non-identical copies of any written, recorded, electronic or graphic material of any kind, whether prepared by you or by any other person, that are in your possession, custody or control or that of your agents, attorneys or accountants.

² In accordance with the President's directive in the January 21, 2009 Memorandum For The Heads of the Executive Departments and Agencies, EPA is required to provide records in a "form that the public can readily...use." Thus, please provide these records in their original form and in a format that can be manipulated.

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If any part of this/these record(s) is not produced based on a claim of privilege or other exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the dates of creation of the record; (iii) the subject of the record; (iv) identity of the author and all recipients of the record; (v) the names of all people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which the EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt material contained within such documents.

EPA has twenty (20) business days to respond to this FOIA request. TWH confirms its willingness to pay reasonable costs associated with searching for, and copying the requested material; however, should these costs exceed \$100, please contact me prior to proceeding.

Please contact me with any inquiries, notices or determinations at the address or telephone number above or by email at sklar@twhlaw.com.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ryan Sklar', with a large, loopy flourish extending from the end of the signature.

Ryan Sklar

RS/gg

cc: Amelia Piggott (via email)